

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MEDIDEA, L.L.C.,
Plaintiff,

v.

DEPUY ORTHOPAEDICS, INC.,
DEPUY SYNTHES PRODUCTS, INC. and
DEPUY SYNTHES SALES, INC.
d/b/a DEPUY SYNTHES JOINT
RECONSTRUCTION,
Defendants.

Civil Action No. 1:17-cv-11172-LTS

Honorable Leo T. Sorokin

[PROPOSED] FINAL JUDGMENT

WHEREAS, Plaintiff MedIdea, L.L.C. (“MedIdea”) brought this action alleging infringement of U.S. Patent No. 6,558,426 (“the ’426 patent”), U.S. Patent No. 8,273,132 (“the ’132 patent”), U.S. Patent No. 8,721,730 (“the ’730 patent”), and U.S. Patent No. 9,492,280 (“the ’280 patent”) against Defendants DePuy Orthopaedics, Inc., DePuy Synthes Products, Inc., and DePuy Synthes Sales, Inc. d/b/a DePuy Synthes Joint Reconstruction (collectively, “DePuy”), and DePuy filed counterclaims seeking a declaration of non-infringement and invalidity of the asserted ’426, ’132, ’730, and ’280 patents;

WHEREAS, during this litigation, MedIdea asserted that claims 9 and 10 of the ’426 patent (later withdrawing its assertion of claim 10), claims 6, 9, 11, and 14 through 17 of the ’132 patent, claims 1 through 20 of the ’730 patent, and claims 1 and 2 of the ’280 patent were infringed;

WHEREAS, on November 7, 2018, this Court issued a Memorandum and Order on Claim Construction, ECF No. 158, and on January 7, 2019, this Court issued an Order further clarifying its claim construction ruling, ECF No. 174;

WHEREAS, on November 28, 2018, MedIdea stipulated to non-infringement of the '132 patent and the '730 patent, as construed by the Court and subject to its right to appeal the claim construction ruling, ECF No. 164, and on January 11, 2019, further stipulated to non-infringement of the '280 patent, as construed by the Court and subject to its right to appeal the claim construction ruling, ECF No. 180-1;

WHEREAS, on November 15, 2019, this Court issued a Memorandum and Order on Motion for Summary Judgment, granting summary judgment of non-infringement as to claim 9 of the '426 patent, the last remaining asserted claim, ECF No. 212;

WHEREAS, the Parties have reserved all rights to appeal, file post-judgment motions, and make any submissions regarding costs;

NOW, THEREFORE, the Court having considered all papers filed and proceedings had herein and pursuant to Rule 58 of the Federal Rules of Civil Procedure,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that (1) judgment is hereby entered in favor of DePuy and against MedIdea as to MedIdea's claims for infringement of the '426 patent, the '132 patent, the '730 patent, and the '280 patent; (2) judgment is hereby entered in favor of DePuy and against MedIdea as to DePuy's counterclaims for declaratory judgment of non-infringement of the '426 patent, the '132 patent, the '730 patent, and the '280 patent; (3) DePuy's declaratory judgment counterclaims for invalidity are dismissed WITHOUT PREJUDICE; and (4) MedIdea's Complaint in this action is dismissed WITH PREJUDICE.

IT IS ORDERED and ADJUDGED that the Clerk is hereby directed to enter the Final Judgment upon the Civil Docket in this action.

SO ORDERED.

/s/ Leo T. Sorokin
LEO T. SOROKIN
United States District Judge

Dated: November 22, 2019

MEDIDEA, L.L.C.

By their counsel,

/s/ Eamon P. Kelley

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Respectfully submitted,

DEPUY ORTHOPAEDICS, INC., DEPUY
SYNTHES PRODUCTS, INC., AND
DEPUY SYNTHES SALES, INC.

By their counsel,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 22, 2019, the foregoing document was filed through this Court's ECF system and will be sent electronically to the registered participants.

Dated: November 22, 2019

/s/ Christopher M. Morrison